

REMARKS

Applicants have carefully considered the decision of the Board of Patent Appeals and Interferences dated December 29, 2008 and provide the following response thereto. Applicants present this amendment in a sincere effort to place the application in consideration for allowance.

The decision on Appeal notes on page 14 that applicants have shown that the rejection of claims 19-32, and 35 under 35 U.S.C. § 103 over Guthrie, the rejection of Claims 16, 34, 37 and 38 under 35 U.S.C. § 103 over Guthrie in view of Walter, and the rejection of Claims 33 and 36 under 35 U.S.C. § 103 over Guthrie in view of Kaplan, were improper.

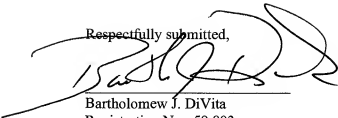
Accordingly, Applicants have amended Claim 1 to include the claim features of dependent Claim 16. Claim 16 has now been canceled. In view of the decision of the Board, Applicants respectfully request entry of the amendment to Claim 1 and allowance of pending Claims 1-15 and 17-38.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 502117. Such authorization includes authorization to charge fees for extensions of time, if any, under 37 C.F.R § 1.17 and also should be treated as a constructive petition for an extension of time in this reply or any future reply pursuant to 37 C.F.R. § 1.136.

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' attorney at the telephone number provided below to discuss any outstanding issues relating to the allowability of the application.

Applicant: Arneson et al.  
Serial No: 09/496,960  
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Respectfully submitted,



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